

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BOARD OF PATENT APPEALS AND INTERFERENCES**

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In re Application of: : Examiner: P. Smith  
Michael WHITMAN :  
For: ELECTROMECHANICAL SURGICAL :  
DEVICE :  
Filed: March 15, 2002 : Confirmation No.: 4140  
: Customer No.: 26646  
Serial No.: 10/099,634 :  
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Signature: Loretta E. Charles/  
Loretta E. Charles

**APPEAL BRIEF TRANSMITTAL**

SIR:

Transmitted herewith for filing in the above-identified patent application, please find an Appeal Brief pursuant to 37 C.F.R. § 41.37.

On June 12, 2008, Applicants filed a Notice of Appeal from the last decision of the Examiner contained in the Final Office Action dated December 12, 2007. Applicants hereby request a five-month extension of time for submitting the Appeal Brief. The extended period for submitting the Appeal Brief expires on January 12, 2009.

The small entity Appeal Brief fee of \$270.00 and the small entity extension of time fee of \$1,175.00 are being paid by credit card.